

REMARKS/ARGUMENTS

This Amendment responds to the Office Action October 2, 2009, in which the Examiner rejected claims 47-65 under 35 U.S.C. § 103.

As indicated above, claims 47, 53, 57, 61 and 63 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

Claims 47-65 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hegde, et al.* (U.S. Patent No. 6,925,495) in view of *Doty, Jr.* (U.S. Patent No. 6,795,863), *Florschuetz* (U.S. Patent No. 6,601,009) and *Brittingham, et al.* (U.S. Publication No. 2002/0112052).

Hegde, et al. appears to disclose a server 605 communicates with a requesting device and receives basic configuration information in return. The configuration information is used to help organize the requesting device's experience with an adlet (column 10, lines 5-11). Server 605 receives the mobile device's OS, browser and media player information. Server 605 receives the requesting device's media player. In addition to obtaining the brand of media player, server 605 also obtains the version of the media player. The media player information is used to format and encode the content to be delivered to the requesting device (column 10, lines 25-36).

Thus, *Hegde, et al.* discloses receiving basic configuration information from a requesting device. Nothing in *Hegde, et al.* shows, teaches or suggests (a) downloading, by a client device from a content provider, a web page containing a server contact code, (b) executing the server contact code at the client device to direct a browser of the client device to a (delivery management) server as claimed in claims 47, 53, 57, 61 and 63. Rather, *Hegde, et al.* only discloses receiving basic configuration information of a requesting device.

Furthermore, *Hegde, et al.* only discloses receiving the requested device media player information. Nothing in *Hegde, et al.* shows, teaches or suggests a (delivery management) server receiving a request for a detection code from a client device and sending the detection code to the client device as claimed in claims 47, 53, 57, 61 and 63. Rather, *Hegde, et al.* only discloses that the server 605 receives the information from the requesting device but does not show, teach or suggest that the server 605 receives a request for a detection code and sends the detection code to the requesting device.

Also, although *Hegde, et al.* discloses that the configuration information is sent from the requesting device to the server, nothing in *Hegde, et al.* shows, teaches or suggests that the (a) client device executes the received detection code in order to detect the media player information, (b) the client device stores the detected media player information in one or more cookies, (c) the (delivery management) server verifies the cookies, (d) the client device sends a request to fetch the media data including sending the one or more cookies from the client device to the delivery management server as claimed in claims 47, 53, 57, 61 and 63. Rather, *Hegde, et al.* only discloses receiving the configuration information.

Doty, Jr. appears to disclose an auto-detect process as part of a "smart server" 21 has been developed that tests users bandwidth at the time of request to ensure the optimum bit stream is served to the end users utilizing the maximum available bandwidth. The first detection that is performed determines if the user has the correct plug-ins to be able to view the site. The "smart pages" first determines which browser is being used which allows determination of whether or not the player plug-ins are present. If the plug-ins are missing, the user is sent to a "smart download page" to install software. If plug-ins are present, the user is sent to the next stage of the auto-detection: multicast ability. At this stage, the user is sent a short streaming media file

to determine if they are able to receive multicast signals. At this point, a cookie is set recording user settings up to this point so they will not have to go through this process again. Now the user is sent to a "smart bandwidth detection" page (column 7, lines 1-21).

Thus, *Doty, Jr.* merely discloses storing cookies to record a user setting. Nothing in *Doty, Jr.* shows, teaches or suggests (a) downloading by a client device from a content provider, a webpage containing a server contact code, (b) executing the server contact code at the client device to direct a browser of the client device to a server, (c) the client device requesting a detection code from a delivery management server, (d) sending the detection code to the client device, (e) executing the detection code at the client device to detect the media player information, (f) sending the media player information in one or more cookies to the delivery management server which verifies the cookies and sends an acknowledgement to the client device and (g) sending a request to fetch the requested media data of the webpage to the (delivery management) server as claimed in claims 47, 53, 57, 61 and 63. Rather, *Doty, Jr.* only discloses determining if the user has the correct plug-ins and setting a cookie to record the user settings.

Florschuetz appears to disclose website distributing streaming media content may wait to send streaming media data until the user has indicated the bandwidth of their internet connection (Col. 3, lines 14-16).

Thus, *Florschuetz* merely discloses a user indicating a bandwidth prior to sending the streaming media data. Nothing in *Florschuetz* shows, teaches or suggests (a) downloading by a client device from a content provider, a webpage containing a server contact code, (b) executing the server contact code that the client device to direct a browser of the client device to a server, (c) receiving a request for a detection code from the client device at the server, (d) sending the

detection code to the client device, (e) executing the received detection code to detect the media player information, (f) sending the one or more cookies for the media player information from the client device to the server, (g) verifying the cookies at the server and sending an acknowledgment and (h) sending a request to fetch the requested media data including sending the one or more cookies to the server as claimed in claims 47, 53, 57, 61 and 63. Rather, *Florschuetz* merely discloses a user indicating a bandwidth prior to the sending of the streaming media data.

Brittingham, et al. appears to disclose in Figure 2 a remote client computer performance/compatibility querying and certification process. The process begins at step 201 when a user of a client computer 102 initiates a client computer certification session by establishing a communication link with the server 104, *e.g.*, by providing the universal resource locator (URL) of the server 104 [0030].

Thus, *Brittingham, et al.* only discloses a client computer performance/capability querying and certification process. Nothing in *Brittingham, et al.* shows, teaches or suggests (a) downloading, by a client device from a content provider, a webpage containing a server contact code, (b) executing the server contact code at the client device to direct a browser of the client device to a server, (c) receiving a request for a detection code from a client device at the server, (d) sending media player information in one or more cookies from the client device to the server, (e) verification, at the server, the cookies and sending an acknowledgement and (f) sending a request to fetch to requested media data of the web page including sending the one or more cookies to the server as claimed in claims 47, 53, 57, 61 and 63. Rather, *Brittingham, et al.* merely discloses a remote client computer performance/compatibility querying and certification process.

A combination of *Hegde, et al.*, *Doty, Jr.*, *Florschuetz* and *Brittingham, et al.* would merely disclose a server communicating with a requesting device and receiving basic configuration information in return as taught by *Hegde, et al.*, recording user settings in a cookie as taught by *Doty, Jr.*, having a user indicate a bandwidth prior to the sending of streaming media data as taught by *Florschuetz* and a remote client computer performance/compatibility querying and certification process as taught by *Brittingham, et al.* Thus, nothing in the combination of the references shows, teaches or suggests (a) downloading, by a client device from a content provider, a web page containing a server contact code, (b) executing the server contact code at the client device to direct a browser of the client device to a server, (c) receiving a request for a detection code from the client device at the server, (d) sending the media player information in one or more cookies from the client device to the server, (e) verifying the cookies and sending an acknowledgement to the client device from the server and (f) sending a request to fetch the requested media data of the web page including sending the one or more cookies to the server as claimed in claims 47, 53, 57, 61 and 63. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 47, 53, 57, 61 and 63 under 35 U.S.C. § 103.

Claims 48-52, 54-56, 58-60, 62 and 64-65 recite additional features. Applicant respectfully submits that claims 48-52, 54-56, 58-60, 62 and 64-65 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Hegde, et al.*, *Doty, Jr.*, *Florschuetz* and *Brittingham, et al.*, at least for the reasons as set forth above. Therefore, Applicant respectfully requests the Examiner withdraws the rejection to claims 48-52, 54-56, 58-60, 62 and 64-65 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested. Should

the Examiner find that the application is not now in condition for allowance, Applicant respectfully requests the Examiner enters this Amendment for purposes of appeal.

CONCLUSION

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicant respectfully petitions for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

In the event that any additional fees are due with this paper, please charge our Deposit Account No. 50-0320.

Respectfully submitted,

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